IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6525 of 2002

For Approval and Signature:

HONOURABLE MS.JUSTICE H.N.DEVANI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ? NO

2 To be referred to the Reporter or not ? NO

3 Whether their Lordships wish to see the fair copy of the judgment ? NO

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ? NO

5 Whether it is to be circulated to the civil judge ? NO

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KOTADA DUDH UTPADAK SAH. MANDALI LTD., - Petitioner(s)
Versus
STATE OF GUJARAT & 6 - Respondent(s)

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Appearance :
MR PS CHAMPANERI for Petitioner(s) : 1 - 2.
MR AJ DESAI, AGP for Respondent(s) : 1 - 3.
MR TUSHAR MEHTA for Respondent(s) : 4,
RULE SERVED for Respondent(s) : 5 - 6.

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CORAM : HONOURABLE MS.JUSTICE H.N.DEVANI

Date : 08/10/2007

ORAL JUDGMENT

1. Heard Mr.K.P. Champaneri, learned advocate for the petitioners, Mr.A.J. Desai, learned Assistant Government Pleader for respondents No.1, 2 and 3 and Mr.Tushar Mehta, learned advocate for respondent No.4. Though served there is no appearance on behalf of respondents No.5 and 6.

2. By this petition, the petitioners have prayed for the following substantive reliefs.

> “(A) This Hon'ble Court may be pleased to issue the appropriate writ, order or direction in the nature of mandamus or any other appropriate writ, order or direction to quash and set aside the impugned order Annexure-E together with the amendment approved as per the Form No.4 appended there-with:
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> (B) This Hon'ble Court may be pleased to issue the appropriate writ, order or direction declaring that the respondent No.5 is holding the office of the Chairman of the respondent No.4 society illegally and therefore be pleased to restrain and/or prohibit the respondent No.5 from holding the said office as the Chairman of the respondent No.4 society:

Alternatively

(B) This Hon'ble Court may be pleased to issue the appropriate writ, order or direction in the nature of quo-warranto or any other appropriate writ, order or direction directing the respondent No.5 to vacate the office of the Chairman of respondent No.4 society."

3. This Court by an interim order dated 8.10.2002 stayed the operation of the order dated 13.5.2002 passed by the Registrar Annexure "E" and further directed that the status of respondent No.5 created as that of member of the Managing Committee and the Chairman pursuant to the order dated 13.5.2002 shall also remain stayed and as a consequence thereof, respondents No.4 and 5 were restrained from allowing respondent No.5 to continue as the member of the Managing committee and as the Chairman of respondent No.4 society until further orders. It was clarified that it will be open to respondent No.4 society to elect the Chairman from amongst the other members of the Managing Committee in accordance with Section 145(2) of the Act.

4. Mr.K.P. Champaneri, learned advocate for the petitioners, has submitted that the term of the Board of Directors of the respondent No.4 Union has expired, hence this petition has become infructuous. The aforesaid position is not disputed by the learned advocates for the respondents.

5. In the above view of the matter, the petition is disposed of as having become infructuous. Rule is discharged. Interim relief stands vacated.

(HARSHA DEVANI, J.)

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